



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,401	07/02/2003	Daniel Putterman	MACV.P0007	2370
23349	7590	04/03/2008		
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 04/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/613,401	PUTTERMAN ET AL.	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17, 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of the previous Office Action has been withdrawn in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, 3, 7, 9, 11, 12, 13, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1), in view of Parry et al (US 2005/0,283,547 A1) and further in view of Ryan (US 6,470,319 B1).

For claim 1, Srikantan et al teach a method for recording media, said method comprising the steps of:

- receiving at least one media stream (e.g. paragraph [0026], server receives a media stream from another server);
- storing at least a portion of said media stream in at least one personal video recording ("PVR") media server (e.g. figure 1, media streaming server 102 stores a media stream from either media streaming server 130 or pre-recorded media 104);

- coupling a plurality of clients, capable of displaying said media stream, to said PVR media server (e.g. figure 1, client 110 and client 112 both have display shown in figure 1);
- generating a first buffer position to identify a location within said media stream for playback of said media stream at a first client; and generating a second buffer position to identify a location within said media stream for playback of said media stream at a second client, said second buffer position being independent from said first buffer position (e.g. paragraph [0054], TrackHandles are considered to be buffers, wherein the TrackHandles maintains clients' current playback position in a media track of a media stream. Also see figures 2 and 3 and paragraph [0042]-[0045]).

However, Srikanthan et al fail to teach the storing comprising buffering the media stream and maintaining a write position for the buffering; receiving from a first user at the first client to select a buffer position of another client; receiving input from the first user to select the second buffer position; and transferring the media stream to the first client, so as to deliver the media stream by using the selected second buffer position of the second client; displaying, at the first client, a list of clients that maintain a buffer position for the media stream;

Parry et al teach the storing comprising buffering the media stream (e.g. para. 55) and maintaining a write position for the buffering (e.g. para. 59); receiving from a first user at the first client to select a buffer position of another client; receiving input

from the first user to select the second buffer position; and transferring the media stream to the first client, so as to deliver the media stream by using the selected second buffer position of the second client (e.g. figure 20 and para.94 and 130, each reader modules 614-620 can seek to any point in buffer 124);

It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Parry et al into the teaching of Srikantan et al to deliver videos to plurality of user using a single buffer without substantial incremental cost.

Srikantan et al and Parry et al fail to teach displaying, at the first client, a list of clients that maintain a buffer position for the media stream; Ryan teaches displaying, at the first client, a list of clients that maintain a buffer position for the media stream (e.g. column 6, lines 57-67). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ryan into the teaching of Srikantan et al and Parry et al to efficiently display the searching result.

Claims 9 and 19 are rejected for the same reasons as discussed in claim 1 above since Parry et al teach in para. 94 that the user can pause the media stream and halt the buffer.

Claim 11 is rejected for the same reasons as discussed in claim 1 above.

Claim 21 is rejected for the same reasons as discussed in claim 1 above with further limitation of a media controller (e.g. figure 1, media streaming server must have a controller such as a CPU).

For claims 2 and 12, Srikantan et al teach steps of transferring said media stream to a first client, so as to deliver said media stream using said first buffer position; and transferring said media stream to a second client, so as to deliver said media stream using said second buffer position (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 3 and 13, Srikantan et al teach the step of generating more than two independent buffer positions to identify locations within said media stream for more than two clients (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 7 and 17, Srikantan et al teach the step of storing at least a portion of said media stream comprises the step of buffering said media stream for an amount of time when receiving said media stream (e.g. paragraph [0054], TrackHandles include buffers for sending media packets. When the data is buffered, it must take time to read data out from the buffer).

3. Claims 4,5, 6, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) Parry et al (US 2005/0,283,547 A1) and Ryan (US 6,470,319 B1), as applied to claims 1,2, 3, 7, 9, 11, 12, 13, 17,19 and 21 above, and further in view of Clarin et al (US 6,414,725 B1).

See the teaching of Srikantan et al and Hooper et al above.

For claims 4 and 14, Srikantan et al fail to teach receiving at least one television signal. Clarin et al teach receiving at least one television signal (e.g. column 3, lines 37-

58, video server 2 receives NTSC television signals and network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Clarin et al into the teaching of Srikantan et al, Parry et al and Ryan to eliminate the time necessary for the user to wait for the tv broadcast programs.

For claims 5 and 15, Clarin et al teach receiving at least one television signal comprises the step of receiving a plurality of television signals in a single PVR-media server (e.g. column 3, lines 37-58, video server 2 receives NTSC television signals and network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24).

For claims 6 and 16, Clarin et al teach receiving a plurality of television signals comprises the step of receiving at least one television signal in each of a plurality of PVR-media servers.

4. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) Parry et al (US 2005/0,283, 547 A1) and Ryan (US 6,470,319 B1) as applied to claims 1,2, 3, 7, 11, 12, 13, 17 and 21 above, and further in view of Kaminski et al (US 6,744, 967 B2).

See the teaching of Srikantan et al, Parry et al and Ryan above.

For claims 10 and 20, Srikantan et al, Parry et al and Ryan fail to teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first

or second buffer position and said write buffer position, so as to set boundary conditions. Kaminski et al teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first or second buffer position and said write buffer position, so as to set boundary conditions (e.g. figure 6, column 22, lines 51-65, portion 630 and portion 634 show the boundary condition). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaminski et al into the teaching of Srikantan et al, Parry et al and Ryan to enhance the buffering mechanisms for personal video recording system (e.g. Kaminski et al, column 1, lines 41-59).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621